

**REMARKS**

Claims 1-20 are pending in the above-reference patent application (this "Application").

Claims 1-20 have been rejected in the Office Action.

No claims have been allowed in this Application.

No claims have been amended in this Application.

Claims 1-20 remain in this Application

Reconsideration of the claims of this Application is respectfully requested.

**35 U.S.C. §102 – Anticipation**

In the Office Action, the Examiner rejected Claims 1-3, 6-11 and 14-20 under 35 U.S.C. §102(e) as being anticipated by United States Patent Number 5,995,831 issued to Gulliford, et al. ("*Gulliford*"). The rejection is respectfully traversed.

It is axiomatic that a prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *See, In re King*, 231 U.S.P.Q. 136, 138 (Fed. Cir. 1986) (citing with approval, *Lindemann Maschinenfabrik v. American Hoist and Derrick*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)); *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

The Examiner asserts, with respect to independent Claims 1 and 9, that *Gulliford* discloses:

a call control processor capable of controlling the RF transceivers comprising a first state machine capable of performing a call processing task the first state machine comprising a queue capable of storing a plurality of events associated with a call processing task, each of the events operable to cause the first state machine to perform a selected action, wherein the first state machine is capable of communicating with a second state machine of the call control processor by storing at least one event in a queue associated with the second state machine Note that since Gulliford processing is performed by state machines at system nodes, call processing "events" would be associated with other state machines.

See, *Gulliford* at Col. 13, line 53 to Col. 15, line 20; Col. 16, lines 15-40; and the Office Action, pp.

2-3.

With respect to any of Claims 1-3, 6-11 and 14-20, a determination of anticipation in accordance with Section 102 requires that each feature claimed therein be described in sufficient detail in *Gulliford* to enable one of ordinary skill in the art to make and practice the claimed invention. The Applicant respectfully submits that *Gulliford* fails to disclose, teach or suggest all elements of independent Claims 1 and 9, including, for example, a call control processor having a first state machine with a queue and a second state machine with a queue, such that the first state machine is capable of communication with the second state machine by storing one event in the queue of the second state machine (emphasis added).

The Examiner appears to assert that these elements are present *Gulliford* "since Gulliford processing is performed by state machines at system nodes, call processing 'events' would be associated with other state machines . . ." See, the Office Action, pp. 2-3. The Applicant respectfully disagrees and submits that the Office Action has failed to establish a prima facie case

of anticipation with respect to Claims 1 and 9 under § 102 because the cited reference fails to identically disclose every element of the Applicant's claimed invention in the cited reference, arranged as they are in Applicant's independent claims (and claims depending therefrom).

The Applicant also respectfully submits that *Gulliford* fails to disclose, teach or suggest all steps of independent Claim 17 for the above-given reasons. Therefore, the Applicant respectfully submits that the Office Action has failed to establish a prima facie case of anticipation with respect to Claim 17 under § 102 because the cited reference fails to identically disclose every element of Applicant's claimed invention in the cited reference, arranged as they are in Applicant's independent claim (and claims depending therefrom).

Accordingly, the Applicant respectfully requests the Examiner withdrawal the rejection under § 102(e) of Claims 1-3, 6-11 and 14-20.

### **35 U.S.C. § 103 -- Obviousness**

Claims 4, 5, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gulliford* in view of United States Patent Number 6,308,080 issued to Burt, et al. ("*Burt*"). For the same reasons set forth above, and contrary to the assertions in the Office Action, *Gulliford* does not disclose all the elements recited in Independent Claims 1, 9 and 17. *Gulliford* either alone or in combination with *Burt* do not disclose, teach or suggest the Applicant's claimed invention.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 4, 5, 12 and 13.

Therefore, for the above-discussed reasons in connection with Claims 1, 9 and 17, dependent Claims 2-8, 10-16 and 18-20 are also patentable over the cited art because they include the limitations of their respective base claims and add additional elements that further distinguish the art. Therefore, the Applicant respectfully submits that these rejections should now be withdrawn.

**SUMMARY**

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.


The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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Date: Aug 22, 2002

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